IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Revision No. 5035 of 2007

Date of decision : November 15, 2007

Mai Chand

....Petitioner

versus

Miss Nisha and others

....Respondents

Coram: Hon'ble Mr. Justice Pritam Pal

Present : Mr. Parminder Singh, Advocate, for the petitioner
Mr. Surinder Singh, Advocate, for respondent nos. 1 to 4
None for respondent no. 5
Mr. RS Rana, Advocate, for respondent nos. 6 and 7
Mr. Ravinder Arora, Advocate, for respondent no. 8

Pritam Pal,J. (Oral)

This petition under Article 227 of the Constitution of India has been filed by Mai Chand who is father of deceased Rajbir who had died in a vehicular accident. Respondent Nos. 1 to 3 are the minor children of deceased Rajbir whereas respondent no. 4 Smt. Krishna Devi is his widow and respondent No. 5 Smt. Sarto Devi is the mother of the deceased.

Without going into any further details, suffice it to say that a total award of Rs 3,67,000/- was passed by the Presiding Officer of Motor Accident Claims Tribunal, Karnal vide order dated 25.4.2006. A perusal of the impugned order shows that out of total award, a sum of Rs 1,67,000/- has been awarded to Krishna Devi widow of the deceased whereas remaining Rs 2 lacs were initially awarded to the aforesaid three minor children in equal shares. Thereafter, an application was moved by petitioner Mai Chand and Smt. Sarto Devi who are parents of the deceased for the apportionment of the aforesaid amount of the award in their favour

also. The learned Tribunal after hearing the learned counsel for the parties passed the impugned order whereby Smt. Sarto Devi respondent no. 5 has been given a share of Rs 50,000/- whereas petitioner Mai Chand who is father of the deceased has not been awarded any portion of compensation on the ground that he was not dependent upon the deceased inasmuch as the deceased along with his children was residing separately in a different village Kutana for the last 20 years. Even this fact could not be denied by learned counsel for the petitioner during the course of arguments.

Taking into consideration the grounds mentioned in para no. 11 of the impugned order, it can be safely held that, in fact, petitioner Mai Chand was not dependent upon the deceased in any manner. Hence, he has been rightly held not to be entitled to have any share of compensation awarded by the court below.

In this view of the matter, I find no illegality or material irregularity in this revision petition. The same is hereby dismissed.

(Pritam Pal)
Judge

November 15, 2007
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